

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 29, 1999

DIVISION ONE

B135168 Cruz (Not for Publication)

V.

Superior Court, Los Angeles County
(The People, r.p.i.)

The Court:

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its order of July 2, 1999, denying the motion for return of personal property, and to issue a new and different order granting same, in Los Angeles Superior Court case No. KA031786, entitled The People v. Vincent Louis Cruz.

Any of the items that are of a nature that is forbidden to prison inmates must not be released to petitioner Vincent Cruz, but may be released to his designated agent, Gregory Cruz.

Spencer, P.J., Ortega, J., Vogel (Miriam A.), J.

DIVISION TWO

B126826 People (Not for Publication)

V.

Hargett

The Court:

The judgment is modified to provide that a \$200 fine is imposed pursuant to Penal Code section 1202.45 and that the fine is suspended unless and until appellant's parole is revoked. As modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting this modification and to forward a certified copy of the amended abstract of judgment to the Department of Corrections.

Boren, P.J., Zebrowski, J., Mallano, J. (Assigned)

DIVISION TWO (Continued)

[illegible]

The Court:

The judgments of conviction are affirmed. The matter is remanded for resentencing in accordance with the views expressed herein.

Nott, Acting P.J., Zebrowski, J., Mallano, J. (Assigned)

[illegible]

The Court:

The judgment is modified to reflect 70 days of presentence conduct credit and a total of 210 days of presentence credit. It is further modified to reflect a parole revocation fine of \$200 pursuant to section 1202.45, that fine to be suspended unless appellant's parole is revoked, and a state penalty assessment of \$50 and a county penalty assessment of \$35. The abstract of judgment is to be corrected to reflect these modifications. In all other respects, the judgment is affirmed.

Nott, Acting P.J., Zebrowski, J., Mallano, J. (Assigned)

B132354 Angelica C. (Not for Publication)
v.
Superior Court, Los Angeles County

The petition for writ of mandate is denied, and the order to show cause is dismissed.

Zebrowski, J.

We concur: Boren, P.J.
 Nott, J.

September 29, 1999-Continued

DIVISION TWO (Continued)

B123383 People (Not for Publication)

V.

Deguzman

The Court:

The judgment is affirmed.

Nott, Acting P.J., Zebrowski, J., Mallano, J. (Assigned)

DIVISION THREE

B124368 Fountain Valley Regional
Hospital & Medical Center (Certified for Publication)

V.

Director of the State Department of Health Services

The judgment is reversed and the matter is remanded to the trial court with directions to remand the case to the administrative law judge with directions to vacate her decision of February 24, 1997, as approved by the Board on March 11, 1997, and to conduct further proceedings consistent with the views expressed herein. Costs on appeal to Hospital.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B131069 People (Not for Publication)

V.

Carlos Orlando B.

The judgment (order of wardship) is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FOUR (Continued)

B125353 People (Not for Publication)
v.
Reyes

For the foregoing reasons, the judgment is modified to impose and suspend a fine in the sum of \$200 pursuant to Penal Code section 1202.45, and as modified the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting the fine imposed and the fine imposed and suspended, in accord with this opinion.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

B128844 People (Not for Publication)
v.
Acosta

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B123584 People (Not for Publication)
v.
Borquez

The judgment is modified to reflect the two-year sentence on count 17 is stayed, and, as modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment accordingly.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

September 29, 1999-Continued

DIVISION FOUR (Continued)

B120082 Anders (Not for Publication)
v.
Mercedes-Benz of America

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FIVE

[illegible]

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

B122298 People v. Glenn (Not for Publication)

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

September 29, 1999-Continued

DIVISION SIX

B127622 People (Not for Publication)
v.
Montenegro-Garcia

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B126632 People (Not for Publication)
v.
Phillips

We order the clerk of the superior court to amend the abstract of judgment to reflect the imposition of a restitution fine in the amount of \$200, and the imposition and suspension of a parole revocation fine in the amount of \$200. The judgment is affirmed as modified.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

[illegible]

The judgment (order denying petition for writ of error coram nobis) is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

DIVISION SIX (Continued)

B127393 People (Not for Publication)
v.
Juarez

We reverse the judgment and remand with directions that Juarez be permitted to withdraw his no contest plea and admission of the prior prison term allegation. If Juarez withdraws his plea and admission, the original charges in the information shall be reinstated, and the trial court shall take further action as appropriate.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B110775 People (Not for Publication)
v.
Tuffree

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

[illegible]

The judgment (order denying visitation) is affirmed. Costs are awarded to respondent.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

September 29, 1999-Continued

DIVISION SIX (Continued)

B123430 Pritchett (Not for Publication)
v.
Smith

The judgment is affirmed. Costs on appeal are awarded to respondent.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

B127654 Scinto (Not for Publication)
v.
Shields

The judgment is reversed. Costs to appellant.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Matz, J. (Assigned)

B129286 Roe (Not for Publication)
v.
Figueroa

The order denying the motion to set aside the default judgment is affirmed. Respondent is awarded costs on appeal.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

DIVISION SIX (Continued)

B131395 Baltadano (Not for Publication)
 v.
 Ha

The order granting a new trial is affirmed. Costs on appeal are awarded to respondent.

Gilbert, Acting P.J.

We concur: Yegan, J.
 Coffee, J.

B124469 Jane Doe (Not for Publication)
 v.
 Bim Insurance Marketing

The judgment is affirmed. Costs are awarded to respondent.

Gilbert, Acting P.J.

We concur: Yegan, J.
 Coffee, J.

B127489 People (Not for Publication)
 v.
 Fabricant

The judgment is modified to show a state penalty assessment of \$50 (Sec. 1464, subd. (a)) and a county penalty assessment of \$35 (Gov. Code, Sec. 76000, subd. (a)). The judgment as modified is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

September 29, 1999-Continued

DIVISION SIX (Continued)

B131289 People (Not for Publication)
v.
Ringle

The judgment is affirmed.

Matz, J. (Assigned)

We concur: Yegan, Acting P.J.
Coffee, J.

B127467 People (Not for Publication)
v.
McLaughlin

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

DIVISION SEVEN

B114255 People (Not for Publication)
v.
Don Sam Ha et al.

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B127277 People (Not for Publication)
v.
Keelen

The order of sentencing is reversed and the cause is remanded for resentencing in conformity with the views expressed herein. The court shall resentence appellant on all three counts and award appellant precommitment confinement. Conduct credit shall be calculated under Penal Code section 4019 for the entire period of his confinement preceding resentencing. In all other respects, the judgment is affirmed. The court shall cause the clerk to prepare an amended abstract of judgment following resentencing to be sent to the California Department of Corrections. Appellant shall be present at resentencing unless he files a personal waiver of his appearance.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B126360 Hwang (Not for Publication)
v.
Saint James Episcopal Church et al.

The order of dismissal is reversed and on remand the trial court is directed to vacate the June 10, 1998, order. Appellant is entitled to costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.